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Seventh report of the Secretary-General on the United Nations Operation in Burundi

Addendum

I. Introduction

1. In my seventh report on the United Nations Operation in Burundi (ONUB), dated 21 June 2006 (S/2006/429), I recommended that the withdrawal of ONUB be followed by the establishment of a small United Nations integrated office in Burundi, to be known as the United Nations Integrated Office in Burundi (BINUB), on 1 January 2007, for an initial period of one year. In this regard, I indicated my intention to revert to the Security Council, in an addendum to that report, with details on the structure, requisite resources and progress towards the establishment of BINUB. By its resolution 1692 (2006), the Council welcomed my proposal to establish BINUB. In the present addendum, I outline the proposed structure, mandate and requisite resources for BINUB, as well as benchmarks and proposed time frames for the completion of its mandated tasks.

II. Consultations with the Government

2. In July 2006, ONUB, members of the United Nations country team in Burundi and their respective headquarters, as well as the Office of the United Nations High Commissioner for Human Rights and the Department of Peacekeeping Operations, the Department of Political Affairs and the Department of Public Information of the Secretariat, in consultation with the Government of Burundi, developed a United Nations common action plan, in which they agreed on the framework to support the Government in its priorities, which include: (a) peace and democratic governance; (b) security sector reform and civilian disarmament; (c) human rights and justice; (d) public information and communications; and (e) reconstruction and socio-economic development.

3. In this context, it was agreed that the short-term priorities of the United Nations, outlined in the common action plan, would be in line with the Government's Emergency Programme. Medium- and longer-term activities in the common action plan would support the goals of the Government's five-year plan for the period 2005-2010, the implementation of the Poverty Reduction Strategy Paper and the Millennium Development Goals.

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III. Mandate of the United Nations Integrated Office in Burundi

4. As I mentioned in paragraph 64 of my seventh report on ONUB (S/2006/429) and also based on the benchmarks outlined in paragraphs 24-34 below, it is proposed that the mandate of BINUB would include supporting the peace consolidation process and the Government's efforts in the following areas:

(a) Strengthening the capacity of national institutions to address the root causes of conflict, particularly through reforms in the areas of political, administrative and economic governance; enhancing the capacity of the legislative branch and of civil society; increasing the capacity, transparency and accountability of public administration; combating corruption; increasing national capacity to prevent, manage and resolve internal conflicts, including those related to land; and promoting and supporting efforts to strengthen the role of civil society;

(b) Developing a national reform plan for the security sector and providing technical assistance for its implementation, including training and capacity-building for the Burundi National Police; provision of technical assistance to enhance the professionalization of the National Defence Force (FDN) of Burundi, in coordination with international partners; and combating the proliferation of small arms and light weapons;

(c) Completing the ongoing national programme for the demobilization and reintegration of former combatants;

(d) Facilitating the reintegration of returnees and internally displaced persons into their communities;

(e) Monitoring and reporting on the human rights situation and building national institutional capacity to promote and protect human rights, particularly the rights of women, children and other vulnerable groups, including the establishment of an independent national human rights commission; the design and implementation of a national human rights action plan; combating impunity, particularly through the establishment of transitional justice mechanisms, including a truth and reconciliation commission and a special tribunal; and ensuring synergy between the national independent human rights commission and transitional justice mechanisms;

(f) Reforming the legal and justice sector to ensure access to justice by all Burundians and an independent and strengthened judiciary capable of providing equitable justice; and building the capacity of judicial actors and corrections officers;

(g) Ensuring continued support for the implementation, in all priority sectors, of Security Council resolution 1325 (2000), on women and peace and security;

(h) Promoting freedom of the press and strengthening the legal and regulatory framework for the media and communications; and assisting in enhancing the professionalization of the media, including through capacity-building;

(i) Promoting and facilitating economic growth and poverty reduction, with emphasis on rural development, urbanization, stimulation of the private sector, and the creation of economic opportunities for youth and vulnerable groups;

strengthening national mine action capacity; combating HIV/AIDS; and improving the quality of and access to basic services;

(j) Ensuring environmental protection and natural resource protection and management, as well as an enhanced national capacity for the prevention and management of natural catastrophes, including through food security;

(k) Promoting resource mobilization for the implementation of priority, emergency and longer-term activities, within the framework of the Government's Emergency Programme and the Poverty Reduction Strategy Paper; and strengthening donor coordination and the partnership between the Government and donors, including in coordination with the Peacebuilding Commission.

5. In the meantime, in view of the possible signing of a draft comprehensive ceasefire agreement between the Palipehutu-FNL and the Government, ONUB, before its departure at the end of 2006, is expected to support the implementation of key aspects of the agreement, within the limits of its mandate and resources, including the provision of security for the disarmament and demobilization of FNL and participation (together with the African Union) in the joint verification and monitoring mechanism to oversee the ceasefire and joint liaison teams to supervise the disarmament of FNL members. The possible participation of the United Nations in the joint verification and monitoring mechanism and joint liaison teams might also require an adjustment to the mandate of BINUB and additional resources for the office.

IV. Structure, functions and resources

6. The proposed structure of BINUB was developed in close consultation with ONUB, members of the United Nations country team in Burundi and their headquarters, as well as with the Office of the United Nations High Commissioner for Human Rights, the Department of Peacekeeping Operations, the Department of Political Affairs and the Department of Public Information. The structure aims to enable BINUB to implement its proposed mandate by harnessing the collective capacities of the United Nations in an integrated and coherent manner within the framework of the United Nations common action plan for Burundi. It is envisaged that several United Nations agencies, funds and programmes, as well as other departments of the Secretariat, will contribute expertise to the substantive sections of BINUB outlined below, with funding provided jointly by BINUB and the relevant United Nations agencies, funds and programmes. BINUB would also be structured to optimize its efficiency and effectiveness and to facilitate linkages between donors and other development partners.

7. The integrated United Nations presence in Burundi would be headed by an Executive Representative of the Secretary-General, who would serve as the head of BINUB, the United Nations Resident Coordinator and Humanitarian Coordinator, the United Nations Development Programme Resident Representative and the Designated Official for Security. The Executive Representative would be responsible for integrating United Nations activities and engaging the Government at the most senior political level. In addition, the Executive Representative would serve as the primary United Nations interlocutor with the Government, including on all political and development matters. In his or her capacity as Resident Coordinator, the Executive Representative would have overall responsibility for

resource mobilization with respect to the United Nations common action plan, as well as the provision of technical assistance and support to the Government's National Committee on Aid Coordination, in collaboration with other development partners.

8. In carrying out these functions, the Executive Representative would be supported by a small office, including a political unit, and would have responsibilities in the areas of coordination, planning, analysis and assessment, conduct and discipline, legal affairs, gender mainstreaming and the empowerment of women, and child protection. The Executive Representative would also be supported by a Deputy Executive Representative of the Secretary-General.

9. In addition to the Executive Representative's office, BINUB would comprise four integrated sections covering the key areas of its mandate, namely: (a) peace and governance; (b) security sector reform and small arms; (c) human rights and justice; and (d) public information and communications. The United Nations country team, under the Executive Representative's leadership, would continue to implement and coordinate activities in the areas of reconstruction and development. BINUB would also require adequate administrative, logistical and security support.

10. The peace and governance section would comprise up to 11 international officers, who would support the implementation of political and administrative reforms necessary for the consolidation of peace, including through the provision of technical assistance and policy advice to key national and local institutions.

11. The security sector reform and small arms section would comprise a small number of civilian units, as well as police and military advisory units, as follows: up to seven international security sector reform and small arms advisers; up to 15 police advisers; and up to eight military advisers. The security sector reform advisers would support policy development, help ensure coherence of security sector reform with broader public sector reforms and national development goals, and support the completion of the disarmament and demobilization process. The small arms advisers would assist in the revision of legislation on small arms and the establishment of weapons management and control mechanisms, including by providing training in their implementation; and would support the newly established Technical Commission for Civilian Disarmament, including in the implementation of the civilian disarmament programme.

12. The police advisers would assist in the development and implementation of a plan to strengthen the capacity of the Burundi National Police, including through specialized training of trainers and providing technical expertise in collaboration with the human rights and justice section of BINUB and bilateral partners involved in security sector reform initiatives in Burundi. The police advisers would also assist in building the capacity of the Burundi National Police to address gender-based violence.

13. The military advisers would provide specialized technical expertise to enhance for the professionalization of FDN and would provide support for the reform initiatives of the Ministry of National Defence and Veterans' Affairs, in coordination with bilateral partners. Subject to the conclusion of an agreement between the Government and Palipehutu-FNL and at the request of the parties, the military advisers would also participate in the work of the envisaged joint verification and monitoring mechanism and joint liaison teams. They would also monitor the

security situation and liaise with FDN and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), as well as other stakeholders, on the overall regional security situation.

14. The human rights and justice section would comprise up to 20 international personnel who would monitor, investigate and report on the human rights situation in Burundi, facilitate the development of a national human rights action plan and address legal and justice sector reform, including corrections and juvenile justice. The human rights and justice section would also support the establishment of the truth and reconciliation commission and special tribunal, including by providing assistance in the development and implementation of preparatory activities.

15. The public information and communications section would comprise up to six international public information officers. Through its radio programmes and other information dissemination initiatives, the section would promote national dialogue and inform and educate the public on the peace consolidation, democracy and reform processes in Burundi. BINUB would also provide technical support for the development and implementation of a comprehensive national capacity-building programme for the public and private media.

16. The above-mentioned substantive sections of BINUB would be complemented by an appropriate number of national officers and United Nations Volunteers. BINUB staff would be deployed to several locations in Burundi, including an integrated mission headquarters complex and human rights offices in Bujumbura, as well as regional human rights offices in Ngozi, Gitega and Makamba. Where possible, they would be located together with the field offices of the United Nations country team.

17. In order to effectively provide administrative, technical and logistical support to BINUB, it is envisaged that an appropriate complement of administrative personnel, including international and national staff, as well as United Nations Volunteers, will be required. In addition, a combination of ground transportation and aviation assets will be necessary, including the use of MONUC aircraft on a cost-reimbursable basis.

18. In addition, as BINUB will operate as an integrated office, the civilian staffing structure will be jointly funded with United Nations agencies, funds and programmes, and other departments of the Secretariat, using common support services where possible.

19. The programmes to be carried out by the four integrated sections of BINUB would be funded jointly by ONUB and United Nations agencies, funds and programmes, while the United Nations would continue to support the Government in resource mobilization for the implementation of the Poverty Reduction Strategy Paper, with particular emphasis on post-conflict needs. At the same time, as many donors as possible need to be engaged in providing support for Burundi, including through the involvement of and synergy with the Peacebuilding Commission. It is expected that BINUB will work closely with the Peacebuilding Commission, including by participating in deliberations and working with the Government to take into account the recommendations of the Commission in the implementation of peace consolidation plans.

V. Challenges

20. Some of the challenges that BINUB would be faced with in carrying out its mandated tasks include: very limited government resources, which will necessitate a prioritization of needs and require increased donor mobilization and sustained support; lack of institutional capacity for the development, implementation, coordination, monitoring and evaluation of policies and programmes; the proliferation of small arms; the slow pace of integration into society of large numbers of former combatants, as well as refugees and internally displaced persons; and the need for greater respect for democratic principles and processes by political institutions. Awareness of human rights remains limited in all spheres, and the high incidence of human rights violations committed by some State institutions necessitates a strong focus on national human rights capacity-building.

21. Burundi also continues to face a difficult economic situation and widespread poverty. There is continuous pressure on natural resources, especially land, which will intensify as refugees and internally displaced persons return and former combatants continue to be reintegrated into society. In addition, limited access to basic social services and lack of investment in rural development and in the private sector continue to hinder recovery and reconstruction activities.

VI. Benchmarks

22. The proposed establishment of BINUB would help ensure that the Government is adequately supported during the next critical peace consolidation phase, preventing the recurring cycles of violence experienced by the country since it gained its independence. In this context, BINUB would assist the Government in laying strong foundations for durable peace and sustainable development.

23. BINUB would be an interim arrangement to allow a smooth transition from a peacekeeping context towards an increasingly development-focused engagement by the United Nations. In this regard, the United Nations common action plan for Burundi identifies benchmarks for the achievement and completion of the tasks included in the various integrated programmes within the framework of BINUB. The benchmarks, which are outlined below, are indicators of the progress to be made in Burundi during the mandate of BINUB, after which the United Nations agencies, funds and programmes would continue to provide assistance under a country team configuration.

A. Peace consolidation and democratic governance

24. The cessation of armed conflict in Burundi between the Government and FNL and the implementation of both the political and military aspects of a possible comprehensive agreement between the Government and FNL would constitute a benchmark, along with full respect for constitutional provisions such as power-sharing arrangements by the Government and all political actors in the country. Progress should also be achieved towards the establishment of mechanisms for conflict prevention, management and resolution and the creation of a political environment conducive to the conduct of free and fair national elections in 2010.

25. The adoption of legislation and the achievement of progress in the reform of public administration should be accomplished with the support of BINUB. Furthermore, the Parliament's full exercise of its legislative and oversight functions would constitute an additional benchmark.

B. Security sector reform and civilian disarmament

26. The development, adoption and launching of a national plan for the reform of the security sector will be a critical area in which BINUB would be expected to assist the Government. A key benchmark would be the ability of an integrated FDN to assume its defence responsibilities in accordance with democratic principles. In turn, an adequately resourced, structured and trained Burundi National Police force would assume responsibility for ensuring law and order. Similarly, the responsibilities of the intelligence service would be limited to gathering and analysing intelligence in conformity with international standards.

27. Achieving this would require, inter alia, ensuring civilian control of the security forces through civilian oversight mechanisms; consolidating command and control structures; making progress towards the establishment of systems for the transparent management of financial resources and personnel of the security forces; implementing programmes for comprehensive training, including in human rights standards, with the support of BINUB and other partners; and providing enhanced, coordinated bilateral assistance in the rehabilitation of vital infrastructure, as well as in addressing the logistical and material requirements of the security forces. The establishment of a national mechanism for security sector coordination would be a further benchmark.

28. In addition, the initiation and implementation of an effective, comprehensive civilian disarmament programme, including the adoption of a national legal framework regulating the civilian ownership of weapons in Burundi should be completed with the support of BINUB. The development, adoption and launching of a comprehensive strategy against the proliferation of small arms and light weapons, as well as the completion of the disarmament and demobilization of former combatants, would also constitute a key benchmark.

C. Human rights and justice

29. Notable improvement in the human rights situation and the implementation of concrete measures to deal with impunity would also be key benchmarks. The establishment of a national human rights commission with the mandate and the necessary independence and resources to promote respect for human rights, within the framework of a national human rights action plan, and the establishment of a national mechanism for monitoring and reporting gross violations of children's rights (pursuant to Security Council resolution 1612 (2005)) would be vital to reaching those benchmarks.

30. The development and launching of a comprehensive legal and judicial reform strategy to ensure the independence and efficacy of the judicial system is an important peace consolidation task that would be undertaken with the assistance of BINUB. This would include the establishment of a juvenile justice system and the reform of the penitentiary system.

31. A framework agreement should be concluded between the Government and the United Nations on the modalities for the establishment of a truth and reconciliation commission and a special tribunal. In addition, all preparatory work, including a national consultative process for the establishment of those transitional justice mechanisms, should be completed. Subject to the ongoing discussions between the United Nations and the Government, the launch of the truth and reconciliation commission, with the support of the United Nations, would also constitute a benchmark.

D. Information and communications

32. A strengthened national council for monitoring the media and communications, to regulate and professionalize the media, as well as to ensure its independence, would constitute an important benchmark.

E. Reconstruction and socio-economic development

33. A qualitative improvement in the provision of basic services, including increased access to potable water, and equitable access to education and health services, which is one of the main government priorities for which the United Nations will provide support, would constitute a benchmark. To ensure that the population benefits from tangible peace dividends, the United Nations, in coordination with other partners, will support the Government in its poverty reduction efforts, including through the adoption of a private sector development strategy and the development of initiatives to diversify the economy, promote investment and reduce unemployment. The substantial reduction of food insecurity and the transition from emphasis on emergency humanitarian assistance to development would also constitute a benchmark.

34. The potential return of some 140,000 refugees from the United Republic of Tanzania between 2007 and 2008 will also require sustainable solutions. Measures must be put in place to ensure that communities are able to offer persons returning to them an environment characterized by equitable distribution of natural resources, access to basic social services and mechanisms for resolving land disputes and safe access to areas previously affected by landmines. The successful reintegration of the majority of these and other war-affected population groups, within the framework of local economic recovery programmes, which the United Nations would support, would be another key benchmark.

VII. Transition and time frames

35. The United Nations common action plan for Burundi envisages three phases for the transition from a peacekeeping engagement to a primarily development-focused engagement. Phase one would focus on the completion of the necessary preparatory work to ensure a seamless transition from ONUB to BINUB on 1 January 2007. That would include finalization of the budget of BINUB, the recruitment of staff and the pre-positioning of facilities and other administrative support for BINUB. Detailed implementation plans for each of the BINUB integrated programmes would be developed, and financial resources would be

mobilized to begin implementation of integrated programme activities, including the identification of appropriate mechanisms for mobilizing and managing funds.

36. During phase two, ONUB would cease operation on 31 December 2006 and would be in administrative liquidation between 1 January and 30 June 2007, while BINUB would commence operation on 1 January. During the initial operating period of BINUB, comprehensive reviews of the progress achieved against the benchmarks, and of the adequacy of the benchmarks themselves, would be carried out periodically and, if necessary, recommendations on adjusting the mandate and structure of BINUB would subsequently be made to the Security Council. Transition planning for the departure of BINUB and consequent adjustments to the United Nations structure in Burundi are expected to commence during this phase.

37. During phase three, subject to developments on the ground, the activities envisaged under the United Nations common action plan are expected to be completed, along with the transfer of all BINUB responsibilities to the United Nations country team in Burundi by the end of 2008.

VIII. Observations

38. There has been significant progress in Burundi since the installation of a democratically elected Government in August 2005. However, many challenges remain and increased international support for the Government's peace consolidation, reconstruction and development efforts will be essential.

39. The establishment of BINUB would enable the international community, through the United Nations, to play an important role in the next critical phase in strengthening national capacity to effectively address the root causes of conflict, including through the strengthening of political and economic governance, reform of the security sector, the protection and promotion of human rights, reform of the justice sector and national reconciliation through the establishment of credible and effective transitional justice mechanisms. BINUB would also play an important role in the promotion of socio-economic development. It is vital that the gains made by the people and Government of Burundi are built upon so that a recurrence of conflict is prevented.

40. I would like to again express my appreciation to the South African facilitation and the Regional Peace Initiative for Burundi for their tireless efforts towards ending the challenging conflict in Burundi. I hope that the negotiations, which they are facilitating between the Government of Burundi and FNL, will result in the early conclusion of a comprehensive agreement on a ceasefire and that this agreement will address all outstanding military as well as political aspects. The United Nations stands ready to give due consideration to supporting the implementation of a comprehensive agreement between the Government and FNL, should the parties so request.

41. The successful implementation of the proposed mandate of BINUB will ultimately depend on the Government's full support and engagement, as well as significantly enhanced bilateral and multilateral donor assistance. Substantial financial support is required to address the immediate and longer-term reconstruction and socio-economic development requirements. I am therefore very pleased that Burundi has become one of the first beneficiaries of the Peacebuilding

Commission. It is my sincere hope that, with the engagement of the Commission, a well-structured and coordinated donor assistance mechanism is established, in close collaboration with the Government, the United Nations and BINUB, as well as the international financial institutions.

42. I recommend that the Security Council approve the proposed structure and mandate of BINUB for an initial period of one year as set out in paragraphs 4-19 above. Should the Council approve my recommendations concerning the establishment of BINUB, it would be my intention to seek resources for its funding from the General Assembly. In conclusion, I hope the members of the Council will give serious consideration to the proposals contained in this report, taking into consideration the need to ensure a seamless transition in the provision of United Nations support to Burundi, following the departure of ONUB, at the Government's request, on 31 December 2006.